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John Didomenico  
8810 East Bear Paw Place  
Tucson, AZ 85749

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**FEB 28 2002**

**OFFICE OF PETITIONS**

In re Application of  
Didomenico et al.  
Application No. 09/818,664  
Filed: 28 March, 2001  
For: EXHAUST OPACITY MEASURING DEVICE

Dear Mr. Didomenico:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Douglas I. Wood at 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC  
ONE FOUNTAIN SQUARE  
11911 FREEDOM DRIVE, SUITE 400  
RESTON VA 20190



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Paper No. 9

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In re Application of :  
Didomenico, Johnson, Stedman, :  
Bishop, and Rendahl : DECISION ACCORDING STATUS  
Application No. 09/818,664 : UNDER 37 CFR 1.47(a)  
Filed: 28 March, 2001 :  
Attorney Docket No. 23439-032-402 :

This is in response to the petition filed under 37 CFR 1.47(a) on 29 November, 2001.

The petition is **GRANTED**.

Petitioners have shown that despite diligent efforts, non-signing joint inventor John Didomenico could not be reached, and that non-signing joint inventor James H. Johnson has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of petitioners' registered patent attorney, Christopher Cuneo, establishes that a letter was sent to the last known address of joint inventor Didomenico, but the letter was returned as unclaimed by the U.S. Postal Service. Additionally a copy of the patent application was sent to joint inventor Didomenico at his current work address, but he failed to sign and return the declaration. Furthermore, a copy of the application was sent to joint inventor Johnson at his last known address. Johnson has not returned an executed declaration, however.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

A handwritten signature in dark ink, appearing to read "D Wood", with a stylized flourish at the end.

Douglas I. Wood  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy